

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DIANIA NEMCIK, on behalf of
herself and all others similarly
situated,

Plaintiff,

v.

ANCESTRY.COM INC., et al.,

Defendants.

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Case No. 3:24-cv-335

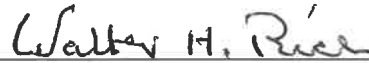
JUDGE WALTER H. RICE

DECISION AND ENTRY OVERRULING AS MOOT THE MOTION TO
DISMISS FILED BY DEFENDANTS ANCESTRY.COM OPERATIONS
INC., ANCESTRY.COM INC., AND ANCESTRY.COM LLC (DOC. #12)

This matter comes before the Court on the Motion to Dismiss by Defendants Ancestry.com Operations Inc., Ancestry.com Inc., and Ancestry.com LLC (collectively "Ancestry"). Doc. #12. After the motion to dismiss was filed, the Plaintiff Diania Nemcik filed an Amended Complaint with leave of Court. Doc. #18.

An amended complaint supersedes the original complaint and renders the latter a legal nullity. *See B&H Med., LLC v. ABP Admin., Ind.*, 526 F.3d 257, 268 n.8 (6th Cir. 2008). Because Ancestry's prior motion, Doc. #12, was filed in response to a now-superseded Complaint, it is OVERRULED AS MOOT. Nothing in this Decision shall be construed to affect Ancestry's currently pending Motion to Dismiss the Amended Complaint filed May 14, 2025. Doc. #19.

Date: May 15, 2025

A handwritten signature in cursive script, reading "Walter H. Rice", is positioned above a horizontal line.

WALTER H. RICE
UNITED STATES DISTRICT JUDGE